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SENATE BILL 2312 By
Cooper

HOUSE BILL 2835
By Walley

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 11, Part 2 and Part 8, relative to the imposition of citations and/or civil monetary penalties under certain circumstances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-11-801, is amended by inserting the following new subsection:

(d) Neither the commissioner, the board for licensing health care facilities, nor the panel on health care facility penalties is authorized to impose a violation, citation, deficiency or civil monetary penalty against a nursing home, as defined in § 68-11-201, for the violation of any applicable statute, rule, or regulation when the action or actions that are the basis for the violation were taken pursuant to a physician's order and the physician has determined that the action was medically necessary.

SECTION 2. Tennessee Code Annotated, Section 68-11-820, is amended by inserting the following new subsection:

(d) Neither the commissioner, the board for licensing health care facilities, the panel on health care facility penalties, nor an administrative judge is authorized to

impose a violation, citation, deficiency or civil monetary penalty against a nursing home, as defined in § 68-11-201, for the violation of any applicable statute, rule, or regulation when the action or actions that are the basis for the violation were taken pursuant to a physician's order and the physician has determined that the action was medically necessary.

SECTION 3. Tennessee Code Annotated, Section 68-11-210, is amended by inserting the following new subsection:

(c) A civil monetary penalty for the violation of any applicable statute, rule, or regulation may not be assessed against a nursing home, as defined in Section 68-11-201, when the action or actions that are the basis for the violation were taken pursuant to a physician's order and the physician has determined that the action was medically necessary.

SECTION 4. This act shall take effect immediately upon becoming a law, the public welfare requiring it.